

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**April 23, 2012**

**7:00 p.m.**

Present: Tom Murphy  
Tony DeMarco  
Kathy Pucci  
Ron Van Kirk  
Colleen Gallagher  
Katie Gallagher  
Kevin Tanski

Absent: None

Pledge of Allegiance.

#### **MAYOR'S PROCLAMATION:**

The Mayor, with Councilman Van Kirk, presented to Mrs. Folger a Proclamation honoring her recently deceased husband, Mr. Bob Folger, for his years and commitment to the Cleveland Baptist Church.

President DeMarco asked for a moment of silence for the victims of the tragic incident that took place on April 12, 2012 (@ Cracker Barrel).

President DeMarco made a few comments regarding public session. He stated the purpose of a Council meeting is to conduct the business of the city in a forum where decisions are made openly and for the public to see. Council has rules, should not deal with speculation, personal agendas, or destruction of individuals, etc. The public session is an opportunity to share an idea, thought or oversight for the good and welfare of the city. Comments should provide beneficial information or insight that will benefit the greater good, not about an individual or their particular issue. Council and Administration do not have all answers to problems currently facing city; but will take a collective effort from the community to work through the issues. The Mayor, with his Administration, has the job of the day to day operation of the city. Council's job is to provide oversight and act as a check and balance, providing it be done in a fiscally responsible manner.

#### **PUBLIC SESSION:**

*Pat Tamburro* of 7606 Traymore, Brooklyn. Gave an update for a symposium from 9-3 on June 2<sup>nd</sup>, The Cleveland Recycling and Composting Forum, at the downtown YMCA, with keynote speakers (\$5 fee.) Register at [sbatke@ohiocitizen.org](mailto:sbatke@ohiocitizen.org) or 216-861-5200.

*Mary Ellen Stasik* of 4001 Pensacola, Cleveland. Representing Friends of Big Creek, on behalf of the tree planting event on Saturday, 9-1, in Brooklyn Memorial Park. Spoke of the purpose for the Cuyahoga ReLeaf, including to restore forest cover areas throughout the Cuyahoga watershed, in many ways. Register by telephone at 216-241-2414, ext. 610 or to [releaf@crcpo.org](mailto:releaf@crcpo.org). She applauds the city for being part of this project, and also for 27 years as a Tree City USA city.

*James Oper* of 4823 Elizabeth Lane, representing the Brooklyn Board of Education. Announced a vacancy on the Board of Education, and asked for interested candidates to send a letter of intent to Mrs. Laura Baker at 9200 Biddulph Road, or to [laura.baker@brooklyn.k12.oh.us](mailto:laura.baker@brooklyn.k12.oh.us) before the deadline of 4 p.m. on May 4<sup>th</sup>.

*Dan Gentile* of 4656 Southwood. Current director of soccer program in Brooklyn, and president of the Soccer Club. He's asking consideration for a parking lot at Marquardt Park, as its use has expanded, with the soccer program, and people need a place to park.

**DISPOSAL OF MINUTES:**

**MOTION** by Pucci, second by Van Kirk to approve the minutes of March 26, 2012. **VOTE RESULTED:** *Approve:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(APPROVED).** **MOTION** by C.Gallagher, second by Tanski to approve the minutes of April 9, 2012. **VOTE RESULTED:** Yes: Murphy, DeMarco, C.Gallagher, K.Gallagher, Tanski. Abstain: Pucci, Van Kirk. No: None. **(APPROVED)**

**REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Chairman DeMarco): Met at 6:15. Ord. 2012-24 was recommended for first reading. Discussion with Fire Chief regarding needs of an out of service ambulance. Discussion with Police Chief regarding needs in the Police Station, for new lockers, with quotes from \$26,000-\$47,000. Also noted the old firing range has lead to be remediated, approximately \$20,000. Professional advice will be sought on the potential problem and potential solutions.

Recreation Board (Councilman Tanski): Rec Board meeting held April 16<sup>th</sup>. Egg hunt was held March 31<sup>st</sup> with 75 participants. Spring Swizzle will be April 28<sup>th</sup> at 7 p.m. Day Camp remaining registration dates are April 28, May 19 & 20<sup>th</sup>. Summer super sign-up is May 19 & 20, 11 a.m. to 1 p.m. Next Rec Board meeting is May 21<sup>st</sup> at 6:30 p.m. in the Mayor's Court.

Legislative Update/Domestic Violence/Juvenile Diversion (Councilwoman C. Gallagher): State Reps. Dovilla and Patton introduced legislation to raise Ohio Motion Picture Tax Credit to \$20M per year. She asked Dir. Claussen to draft a Resolution in support of this legislation for the next meeting.

Bd. of Zoning Appeals (Comm. Ockington): Bd. of Zoning Appeals meeting held April 19<sup>th</sup>. 1- Mr. Szweda for a fence variance on Southwood, which was approved; 2- Ms. Krueger for a fence variance on Heather Ln, which was approved; 3- Mr. Emery for a swimming pool location variance on Outlook Dr, which was approved.

**REPORTS OF COUNCIL:**

**Kevin Tanski:** The Sustainability and Advisory Committee held its first meeting April 13<sup>th</sup>, where energy savings ideas were discussed for various buildings; and future planning, budget and resources, leverage and funding opportunities; and accountability and confirmation of progress. The next meeting will be April 26<sup>th</sup> at 6 p.m. in the Conference Room. Asked Dir. Verba for an update on sidewalk and roadwork/chuckhole repairs. Dir. Verba said the sidewalk program's list is still being compiled; and crews have been out for chuckholes, still making repairs, as hot mix is now available. Mr. Tanski expressed his concern that tearing up sidewalks, taking roots out, and laying the slabs back down, or re-concreting is just going to be the same problem in 3-5 years, because the tree is still there. He asked the Mayor if it's possible to remove the trees on the very bad sidewalks, and the Mayor said the treelawn might have to be a certain depth for a tree. He said it always comes down to money and costs. There was further brief conversation.

**Tom Murphy:** Mentioned that Cracker Barrel will be open for business tomorrow morning, and how caring and thoughtful they have been. Thanked Mr. Tamburro for his information.

**Kathy Pucci:** Offered condolences to family of victims of the tragic shooting, and expressed appreciation to safety forces for their quick response. Feels this is an example of why not to privatize our safety forces, and continue to make training and proper equipment for our departments a top priority. Also thanked the Cracker Barrel management for their work in remodeling the entire store/restaurant, and encouraged patronizing the location. Asked Chief Mielke about the city's participation in collection of expired and unused drugs. The Chief said there was not a box obtained in time to participate in the current program, but will participate in September. Said Brooklyn is fortunate to have been chosen as a location for the tree planting this weekend, and encouraged participation in the event. Last Monday Council had a work session to discuss strategic planning, and thanked Council and Dir. Esarey for participating. It was productive, and the goals established to develop a strategic plan (short and long term) and develop a contingency plan for

revenue reduction when American Greetings leaves. Each department's operations will be examined, looking for non-personnel cost cutting measures of 7%, and explore ideas for sharing services, collaboration, and/or regionalization. Employees are also being asked for their input and suggestions. Thanked volunteers for the Senior Center pancake breakfast. Will ask for a brief executive session with the Mayor to discuss matters of personnel relative to raises for non-union employees, as she and Mr. Van Kirk missed due to absence at the last meeting.

**Ron Van Kirk:** Thanked the Mayor for honoring Mr. Folger, and spoke highly of him. Attended the Strategic Planning Committee, agreeing it's vital to take steps to ensure heading in a positive direction for the city's future, and believes the steps Council and the Mayor have taken and are attempting to take will ensure preparation for the departure of American Greetings. Working together will move the city forward. Announced Inge's Styling Salon has a fundraiser to benefit Brooklyn Relay for Life with free haircuts, with a donation, on June 16<sup>th</sup>, 11-6 p.m. Also attended Cracker Barrel event, and encouraged patronage and support of the restaurant; and commented on the tragedy.

**Colleen Gallagher:** Also attended Cracker Barrel event for this time of healing for employees and their families. Echoed the comments on commending the safety forces for their response and efforts with this tragedy. Thanked Mr. Tanski for implementation of the Sustainability Committee and the effort to make the city more energy efficient, and cited some local references (City of Westlake.) Also commented on the financial strategic plan Council is working on, adding that we need to start planning for the exit of American Greetings and the subsequent loss in revenue; and also asked the Mayor to have directors examine ways to cut their budgets by 7%, and everyone to work on solid goals. Said she is in favor of a parking lot at Marquardt, citing safety issues there. Asked Mr. Murphy to consider having a Safety Committee meeting to discuss this matter, and notify residents.

**Katie Gallagher:** Repeated comments and thanked safety forces for all they've done (Cracker Barrel.) Also thanked Council for participation and ideas at Strategic Planning Committee meeting, welcoming the open dialogue. Also looking forward to similar positive ideas and solutions from directors and employees in the futures.

**Tony DeMarco:** Also commended and thanked safety forces on the tragic events. Echoed the invitation to volunteers for the tree planting on Saturday. Thanked the Senior Center staff for pancake breakfast and extending an invitation to him to assist with it. Attended the Chamber of Commerce luncheon, where the guest speaker was Ivan Schwarz from the Greater Cleveland Film Commission. Said there was an article in The Plain Dealer regarding S.B. 331, earlier mentioned by Mrs. Gallagher. Believes if this passes we can move forward on a potential redevelopment of the American Greetings' site, and bring those created jobs to Brooklyn; and he will work hard to try to make that happen.

#### **MAYOR'S REPORT:**

**Mayor Balbier:** Also spoke about Cracker Barrel, saying it had been the worst day since he has been Mayor. Commended the excellence and professionalism of the safety forces. He sent letters to all the assisting departments (Parma and Parma Hts. safety forces; Brook Park, Strongsville and Brunswick with investigation; BCI; the Coroner's office; Metro Hospital.) Also thanked Panera's and Steak and Shake for opening their doors to the safety forces and affected patrons. Counselors were and still are available. The city has not faced a multiple homicide in the past. Had a meeting of the inner ring suburbs group on regionalization, which focused on what cities would like the county to do to help them. Reiterated the need for volunteers for tree planting on Saturday. Friday is Arbor Day and the third graders will be getting a tree.

#### **DIRECTORS' REPORTS:**

Rec. Asst. Mgr. Bruzek:

Still accepting registration for youth baseball, up to and including super sign-up on May 19<sup>th</sup>. Currently forming a co-ed softball league, played on Sundays, with an entry fee of \$425, and by calling the Rec Center for details.

Fire Chief Zemek:

Extended appreciation given to his staff for and resulting from the tragedy. Hydrant flushing begins May 7<sup>th</sup>, until all are maintained and flushed, with notification signs posted 24 hours prior. The planned May 6<sup>th</sup> Fire Station pancake breakfast will be rescheduled at a later date, and he will announce it.

Police Chief Mielke:

Thank everyone that has expressed support to the Police Department, and expressed his pride in our officers and dispatchers in their professional response, training and experience and capabilities. Gave a short update on the young survivor and asked for her remembrance in thoughts and prayers. Also thanked the Westshore Critical Incidence Response Team, which helped both Fire and Police Department officers.

Service Dir. Verba:

Reiterated that those planning on attending and assisting at Saturday's tree planting call his department at 635-4203 so they can get an idea of the number of volunteers. Said several bags of compost have included plastic and contaminated the loads, which has resulted in two companies refusing to grind the compost because of it. Stressed to residents to only have grass clippings and branches going for composting. Mr. DeMarco said seniors were viewing the can options at the Senior Center and had questions, and asked that he please talk about warranty on the cans and composting once the program is in service. Dir. Verba said everything will remain the same as far as composting and recycling, still using the recycling bin and composting in a brown paper bag or unbagged in garbage can. The new toter should have a 10-year warranty, with lids and wheels being fixed. He sent out an informational letter to those seniors on the Chit-Chat address list, offering a choice for seniors only of a 48, 64 or 96 gallon container; asking for a call to City Hall with their preference. They are on display at the Center. There will be plenty of more information coming out. The target date is anywhere from the middle of August to the first week of September.

#### **LEGISLATION:**

**RESOLUTION 2012-6:** Establishing and recognizing the Community Emergency Response Team (CERT.) **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. *Adopt:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2012-23:** Amending Sections of Ordinance 2010-26 entitled, 'Establishing general admission rates at the John M. Coyne Recreation Center and Natatorium. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. *Adopt:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADOPTED)**

**ORDINANCE 2012-24:** To provide for the creation and use of an Economic Development Fund. Mrs. Pucci had two suggestions to amend: Sect. 2, line 2, 'to be recorded,' and Sect. 3, last paragraph, modified to say 'implement an electronic records retention program'. **MOTION** by Pucci, second by C.Gallagher to amend. **VOTE RESULTED:** *Amend:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(FIRST READING)**

**MOTION** by C.Gallagher, second by Murphy to Remove from the Table Resolution 2012-1, (Anti-Poaching).

President DeMarco reminded everyone this was On the Table for a few months, the requested agreement from the county for Anti-Poaching. Currently 28 of 57 communities have signed it. His personal opinion is that he sees no benefit to the city in supporting the Resolution, and stated some reasons. Mayor Balbier said County Exec. FitzGerald understands it's weak, but if cities can't agree on this he doesn't think they'd agree to anything. The Mayor stated his support of it. Mrs. Pucci said she also doesn't see the benefit to the city. She feels it could be putting some of our future development in the hands of the county; and there are questions that were asked that have not been answered. (ex., multiple cities that can meet same criteria for seeking companies, and how a city is possibly steered to a city) Brooklyn has invested highly in its own infrastructure. She is opposed to it. Mr. Van Kirk asked the Mayor if it is a weak agreement, as stated, why not hold off to get something stronger? Mayor said it's been suggested revenue sharing be involved, and

minimum payroll and employee numbers, but it was felt they wouldn't get enough signatures, and they wanted to start somewhere. He thinks it's to the city's advantage to join it. Mrs. Pucci clarified the \$100 million fund is a loan fund, for businesses to tap into, not money given to the communities. Mr. DeMarco said some of it's forgivable, most of it's loan. He thinks it's more for smaller type development projects. He feels that to put something together that the county leader recognizes doesn't have teeth doesn't make sense. Mr. Murphy said if we can't agree on this how can we ask other cities to join us on any grant. He thinks it must be approved, and he will vote for it. Mr. Van Kirk asked Mr. DeMarco what he would want to see in it to give it more teeth, and Mr. DeMarco replied revenue sharing is something that absolutely should be done. He doesn't see one positive benefit for the City of Brooklyn. In his personal opinion it is just political. Plus, the loans, not grants as was previously thought, are small. And these are our (taxpayer) dollars going to the county, and the county is basically dictating how we're going to do economic development in our own city, and he doesn't think that right. Ms. K.Gallagher pointed out this anti-poaching wouldn't have applied to the American Greetings or Donald Martens situations. Ms. C.Gallagher thinks Ed FitzGerald will open it up for all communities who have supported this, and there will be money for us in the future. She supports it. Mr. Tanski also questioned and commented on the loans part of it.

**RESOLUTION #2012-1:** A Resolution of support authorizing the Mayor to enter into an agreement on behalf of the City of Brooklyn with Cuyahoga County for the purpose of establishing an Anti-Poaching Protocol. **VOTE RESULTED:** *Remove from Table:* Yes: Murphy, Pucci, Van Kirk, C.Gallagher, K.Gallagher. No: DeMarco, Tanski. **MOTION** by C.Gallagher, second by Murphy to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Murphy, C.Gallagher, K.Gallagher. No: DeMarco, Pucci, Van Kirk, Tanski. **(FIRST READING)**

**MOTION** by Pucci, second by Van Kirk to adjourn to executive session for matters of personnel, as related to raises for non-union employees, with Mayor Balbier. **VOTE RESULTED:** *Adjourn to executive session:* Yes: DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: Murphy. **(ADJOURN TO EXECUTIVE SESSION)**

**The Mayor and Council adjourned to Executive Session and reconvened.**

**MOTION** by C.Gallagher, second by Murphy to reconvene. **VOTE RESULTED:** *Reconvene:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(RECONVENED)**

**MOTION** by C.Gallagher, second by Pucci to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Murphy, DeMarco, Pucci, Van Kirk, C.Gallagher, K.Gallagher, Tanski. No: None. **(ADJOURNED)**

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Asst. Clerk of Council

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President of Council